

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

Thomas J. Kolaya, Plaintiff,	§ § § §	
v.	§ § § §	C.A. NO. C-01-191
Jo Anne B. Barnhart, Commissioner of Social Security, Defendant,	§ § §	

MEMORANDUM OPINION AND ORDER OF THE COURT

On February 16, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 48). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's motion to reopen (D.E. 28) and motion for sanctions (D.E. 29) are denied. Plaintiff's motion to compel (D.E. 29) is denied as moot. Plaintiff's motion for EAJA fees is denied without prejudice as premature.

ORDERED this 28 day of March , 2006.



HAYDEN HEAD
CHIEF JUDGE